

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

252209-1020

First Inventor

Hong et al.

Title

Apparatus And Method For Rendering Graphics
Primitives Using A Multi-Pass Rendering Approach

Express Mail Label No.

EL993862212US

APPLICATION ELEMENTS

See MPEP Chapter 600 concerning utility patent application contents

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

- | | |
|--|---|
| <p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)</p> <p>2. <input type="checkbox"/> Applicant claims small entity status. See CFR 1.27</p> <p>3. <input checked="" type="checkbox"/> Specification (preferred arrangement set forth below) [Total Pages 23]</p> <ul style="list-style-type: none">- Descriptive title of the invention- Cross Reference to Related Applications- Statement Regarding Fed. Sponsored R&D- Reference to sequence listing, a table, or a computer program listing appendix- Background of the Invention- Brief Summary of the Invention- Brief Description of the Drawings (if filed)- Detailed Description- Claim(s)- Abstract of the Disclosure <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets 5]</p> <p>5. Oath or Declaration [Total Pages 4]</p> <p>a. <input checked="" type="checkbox"/> Newly Executed (original or copy)</p> <p>b. <input type="checkbox"/> Copy from a prior application (37 CFR §1.63(d))
(for continuation/divisional with Box 18 completed)</p> <p>i. <input type="checkbox"/> DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
named in the prior application,
see 37 CFR 1.63(d)(2) and 1.33(b).</p> <p>6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p> | <p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)</p> <p>a. <input type="checkbox"/> Computer Readable Copy (CRF)</p> <p>b. Specification Sequence Listing on:</p> <p>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</p> <p>ii. <input type="checkbox"/> Paper</p> <p>c. <input type="checkbox"/> Statements verifying identity of above copies</p> |
|--|---|

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & Documents(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Petition To File Application On Behalf
Of Inventor Who Refuses To Sign

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: /

Prior application information: Examiner

Group / Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: the entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. This incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS



Customer Number:

24504

OR



Correspondence address below:

NAME	Daniel R. McClure Thomas, Kayden, Horstemeyer & Risley, L.L.P.		
ADDRESS	100 Galleria Parkway Suite 1750		
CITY	Atlanta	STATE	Georgia
COUNTRY	U.S.A.	TELEPHONE	770-933-9500
		ZIP CODE	30339-5948
		FAX	770-951-0933

Name (Print/Type)	Daniel R. McClure	Registration No. (Attorney/Agent)	38,962
Signature		Date	12-5-03

15750 U.S. PTO

PTO/S&T 17 (4-0-03)

Approved for use through 10/31/2002. OMB 0551-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revisions.

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**1220.00****Complete If Known**

Application Number	Unassigned
Filing Date	December 5, 2003
First Named Inventor	Hong et al.
Examiner Name	Unassigned
Group / Art Unit	Unassigned
Attorney Docket No.	252209-1020

METHOD OF PAYMENT (check all that apply)
☐ Check ☒ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account

Deposit Account Number

20-0778

Deposit Account Name

Thomas, Kayden, Horstemeyer Risley, L.L.P.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account
FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility Filing Fee	770
1002	340	2002	170	Design Filing Fee	
1003	530	2003	265	Plant Filing Fee	
1004	770	2004	385	Reissue Filing Fee	
1005	160	2005	80	Provisional Filing Fee	
SUBTOTAL (1)					(\$770)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee From Below	Fee Paid
Total Claims	26	- 20** = 6	X 18.00 = 108
Independent Claims	5	- 3** = 2	X 86.00 = 172
Multiple Dependent	0		290.00 = 0

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				

**or number previously paid, if greater; For Reissues, see above

FEES CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge-late filing fee or oath	
1052	50	2052	25	Surcharge-late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive-unavoidable	
1453	1,330	2453	655	Petition to revive-unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130
1807	50	1807	50	Processing fee for provisional application	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each add. invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited exam. of a design application	

Other fee (specify)

SUBTOTAL (3) (\$)**170**

*Reduced by Basic Filing Fee Paid

SUBMITTED BYTyped or Printed Name
Signature**Daniel R. McClure**Registration No. **38,962**

Telephone Number

770-933-9500

Date

Dec 5, 2003**WARNING: Information on this form may become public. Credit Card Information should not****Be included on this form. Provide credit card information and authorization on PTO-2038**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 USC 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: **Hong et al.**For: **Apparatus And Method For Rendering Graphics Primitives
Using A Multi-Pass Rendering Approach****CERTIFICATE OF EXPRESS MAIL**

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

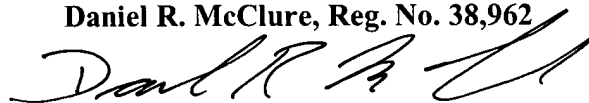
Enclosed for filing in the above case are the following documents:

Return Postcard
Utility Patent Application Transmittal Page
Fee Transmittal Page
Utility Patent Application Consisting Of:
 17 Pages of Specification
 5 Pages of Claims (Claims 1-26)
 1 Page of Abstract
 5 Pages of Formal Drawings (Fig(s). 1-4)
Declaration
Credit Card Authorization Form (Amount: \$1220.00)
IDS/PTO Form 1449/Cited References
Assignment/Recordation Form Cover Sheet
Petition To File Application On Behalf Of Inventor Who Refuses To Sign

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.

Respectfully submitted,

Daniel R. McClure, Reg. No. 38,962

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

100 Galleria Parkway, N.W.
Suite 1750
Atlanta, Georgia 30339-5948

Our Docket No: **252209-1020**

I hereby certify that all correspondence listed above are being deposited for delivery to the above addressee, with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR §1.10 on the date indicated below:

The envelope has been given U.S. Postal Service "Express Mail Post Office To Addressee" Package # **EL993862212US**.

Date: December 5, 2003
Hui Chin Barnhill

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of:)	
Hong et al.)	
Serial Number: Unassigned)	
Filed: Herewith)	
Title: Apparatus and Method for Rendering)	Attorney Docket No. 252209-1020
Graphics Primitives Using a Multi-Pass)	
Rendering Approach)	

PETITION TO FILE APPLICATION ON BEHALF OF INVENTOR
WHO REFUSES TO SIGN

Assistant Commissioner of Patents
U.S. Patent & Trademark Office
Washington, D.C. 20231

Sir:

As the attorney of record (by virtue of the accompanying Power of Attorney document) for the inventor and assignee (VIA Technologies, Inc.), I hereby petition to file the accompanying application on behalf of Michael Hong. Mr. Hong is a co-inventor of the present application. Mr. Hong conceived the subject matter of this invention while employed by S3 Graphics, Inc. (and affiliate of VIA Technologies). Mr. Hong, however, no longer works for S3 Graphics, Inc. and has refused to sign the declaration that was presented to him.

The undersigned attorney spoke with Mr. Hong by telephone on or about October 22, 2003. During that conversation, Mr. Hong told the undersigned that he now worked for a competitor company, but that he would be willing to review the application and sign the formal papers on his personal time. In follow-up to that conversation, the undersigned sent Mr. Hong the application and formal papers both by certified mail and by email. The undersigned has

follow-up at least two subsequent times by email. Unfortunately, to date, Mr. Hong has neither signed the documents, nor responded in any way to the emails.

It is assumed that the emails were successfully delivered, as the undersigned received no delivery error notifications. Further, the application was mailed to Mr. Hong by certified mail, and a copy of the return receipt is attached hereto (Exhibit A) to verify successful receipt by Mr. Hong. Similarly, copies of the emails that were sent to Mr. Hong are attached hereto at Exhibit B.

Therefore, the attached (along with the statements herein by the undersigned) clearly evidence that Mr. Hong has been presented with the application papers. Further, Mr. Hong's statement that he works for a competitor company, along with his complete failure to return the formal papers or respond to any email inquiry is sufficient to evidence his refusal to sign these papers. Therefore, the co-inventor (and assignee VIA Technologies, Inc.) are entitled to file this application on behalf of Mr. Hong.

Accordingly, the undersigned hereby petitions the Patent Office, pursuant to 37 C.F.R. § 1.47, to allow the co-inventor and Assignee (VIA Technologies, Inc.) it to file this application on Mr. Hong's behalf.

A credit card authorization is enclosed, authorizing the charge of the fee to cover this petition. Should any additional fee be required, you are hereby authorized to charge any such additional fee to Deposit Account No. 20-0778.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel R. McClure', written over a horizontal line.

Daniel R. McClure
Registration No. 38,962

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.

Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

McClure, Dan

From: McClure, Dan
Sent: Thursday, October 23, 2003 12:33 AM
To: 'jiuyanli@yahoo.com'
Subject: Patent Application for VIA-S3G



Patent



Drawings



Declaration -



Assignment -

cation_rev1 (000(00074031).PDFFOA - Multiple I..Utility App - Wit..

Dear Mr. Hong:

In follow-up to our telephone conference, I want to thank you for your willingness to review and execute these documents. The attached documents include the patent application and drawings. This application is directed to the multi-pass rendering system that you co-invented with Jim Xu. Jim Xu has reviewed the attached documents, and has signed off on this version of the patent application.

To execute these documents, please print 3 copies each of the declaration and assignment. The declaration is merely a formal document that is filed with the patent office that states that you are one of the original inventors of this application, and that you believe the invention to be novel. The assignment document merely formally assigns rights that you (by virtue of employment contract) are already obligated to assign to VIA. If you will, please sign three copies of each (in blue ink). Then return them to me. My secretary sent you today (via mail) a copy of these documents, along with a self-addressed, self-stamped return envelope. You can wait to receive that return packet if you wish.

Again, I appreciate your willingness to review and sign these papers, and please to not hesitate to contact me if you have any question at all.

Best regards,

Dan

Daniel R. McClure

Thomas, Kayden, Horstemeyer & Risley, LLP

100 Galleria Pkwy, NW

Suite 1750

Atlanta, GA 30339

Tel: (770) 933-9500 (ext. 259)

Fax: (770) 951-0933

McClure, Dan

From: McClure, Dan
Sent: Tuesday, November 18, 2003 3:13 PM
To: 'jiuyanli@yahoo.com'
Subject: FW: Patent Application for VIA-S3G

Dear Mr. Hong:

I was following up on my previous email. Have you had an opportunity to review the application, or do you have any questions about the documents that I'd like you to sign (the declaration and assignment document)?

Dan

-----Original Message-----

From: McClure, Dan
Sent: Thursday, October 23, 2003 12:33 AM
To: 'jiuyanli@yahoo.com'
Subject: Patent Application for VIA-S3G



Patent Drawings Declaration - Assignment -
cation_rev1 (000(00074031).PDFFOA - Multiple I..Utility App - Wit..

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Again, I appreciate your willingness to review and sign these papers, and please to not hesitate to contact me if you have any question at all.

Best regards,
Dan
Daniel R. McClure
Thomas, Kayden, Horstemeyer & Risley, LLP
100 Galleria Pkwy, NW
Suite 1750
Atlanta, GA 30339
Tel: (770) 933-9500 (ext. 259)
Fax: (770) 951-0933

McClure, Dan

From: McClure, Dan
Sent: Tuesday, December 02, 2003 8:11 PM
To: 'jiuyanli@yahoo.com'
Subject: FW: Patent Application for VIA-S3G

Dear Mr. Hong:

I am just following up once again to see if you plan on signing and returning the declaration and assignment documents that I sent to you. If you do not plan to sign them, please reply and let me know, so that I will know to proceed with the patent office filing without your signature.

Best regards,
Dan

-----Original Message-----

Fr m: McClure, Dan
Sent: Tuesday, November 18, 2003 3:13 PM
T : 'jiuyanli@yahoo.com'
Subject: FW: Patent Application for VIA-S3G

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From: McClure, Dan
Sent: Thursday, October 23, 2003 12:33 AM
T : 'jiuyanli@yahoo.com'
Subject: Patent Application for VIA-S3G



Patent



Drawings



Declaration -



Assignment -

cation_rev1 (000(00074031).PDF>OA - Multiple I..Jtility App - Wit..

Dear Mr. Hong:

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To execute these documents, please print 3 copies each of the declaration and assignment. The declaration is merely a formal document that is filed with the patent office that states that you are one of the original inventors of this application, and that you believe the invention to be novel. The assignment document merely formally assigns rights that you (by virtue of employment contract) are already obligated to assign to VIA. If you will, please sign three copies of each (in blue ink). Then return them to me. My secretary sent you today (via mail) a copy of these documents, along with a self-addressed, self-stamped return envelope. You can wait to receive that return packet if you wish.

Again, I appreciate your willingness to review and sign these papers, and please to not hesitate to contact me if you have any question at all.

Best regards,
Dan
Daniel R. McClure
Thomas, Kayden, Horstemeyer & Risley, LLP
100 Galleria Pkwy, NW
Suite 1750
Atlanta, GA 30339
Tel: (770) 933-9500 (ext. 259)
Fax: (770) 951-0933